

**THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

SMARTMATIC USA CORP.,)	
SMARTMATIC)	
INTERNATIONAL HOLDING B.V. and)	
SGO CORPORATION LIMITED,)	
)	
Plaintiffs,)	Case No. 22-cv-00098-WMW-JFD
)	
v.)	
)	
MICHAEL J. LINDELL and MY PILLOW,)	
INC.,)	
)	
Defendants.		

**SECOND DECLARATION OF BENJAMIN COTTON
IN SUPPORT OF DEFENDANTS' MOTION FOR SUMMARY
JUDGMENT**

I, Benjamin Cotton, hereby declare the following:

1. My name is Benjamin Cotton, and I am not a party to the above-captioned matter.
2. This Second Declaration is a supplement to my declaration dated 12 December 2024.
3. In the course of preparing this Declaration I performed additional review and analysis of Work Order One to Master Agreement #22-001 with Smartmatic USA for Voting Solutions for All People enhancements and Support Services (Bates Document SMARTMATIC-LINDELL05357487).

4. In the course of preparing this Declaration I performed additional review and analysis of the Exhibit 2 titled “DECLARATION OF ANTONIO MUGICA IN SUPPORT OF PLAINTIFFS’ MOTION FOR PARTIAL SUMMARY JUDGMENT” filed on 13 November 2024.

5. In the course of preparing this Declaration I performed additional review and analysis of the document “SMARTMATIC’S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT” filed on 13 November 2024.

6. In the course of preparing this Declaration I performed a review of the Plaintiff’s website located at “<https://www.smartmatic.com/us/case-studies/los-angeles-county-building-deploying-vsap-a-model-for-21st-century-elections/s://www.smartmatic.com/us/case-studies/los-angeles-county-building-deploying-vsap-a-model-for-21st-century-elections/>”. This analysis was performed between 13 December and 27 December of 2024.

7. The “SMARTMATIC’S MEMORANDUM OF LAW IN SUPPORT OF ITS MOTION FOR PARTIAL SUMMARY JUDGMENT” states on page 9, in the second paragraph that “Smartmatic had a very limited role in the 2020 election” and “Smartmatic manufactured ballot marking devices (“BMDs”) for Los Angeles County”. Further in that same paragraph is the statement that “Smartmatic played no role in the counting or tabulating of votes”. These statements collectively attempt to disguise the role that Smartmatic actually played in supporting the 2020 general election in L.A. County, California.

8. The “DECLARATION OF ANTONIO MUGICA IN SUPPORT OF PLAINTIFFS’ MOTION FOR PARTIAL SUMMARY JUDGMENT” states on page 3 paragraph 14 that “The only role Smartmatic played in the 2020 U.S. Election was providing BMDs to Los Angeles County and assisting with some administrative election related services in Los Angeles County.” This statement once again attempts to disguise and minimize the actual role that Smartmatic played in supporting the 2020 General Election in L.A. County, California.

9. An analysis of the “WORK ORDER ONE TO MASTER AGREEMENT 22-001 SMARTMATIC USA VOTING SOLUTIONS FOR ALL PEOPLE ENHANCEMENTS AND SUPPORT CATEGORY 1” entered into on 11 April 2022 contractually committed Smartmatic to perform the following functions:

- a. Provide deployment services of training equipment for 640 Vote Centers in L.A. County, California. These services for each site included providing setup, breakdown and transportation services for each of the county training sites. Each site would have:
 - i. 10 Ballot Marking Devices (BMDs)
 - ii. 10 BMD peripheral cases
 - iii. 15-60 ePollbooks (EPBs)
 - iv. One (1) Cradle Point Router (CPR) Note: The cradle point router is specifically designed to send and receive Local Area Network (LAN), WiFi Communications, and Cellular data traffic to remote sites not located at the voting center.

- v. Vote Center Supplies for each training site.
- b. Deployment of Vote Center equipment. Device and equipment quantities will vary based on the size of each of the 640 Vote Centers. Contractor will provide setup, breakdown, and transportation services for approximately:
 - i. 15-45 BMDs per Vote Center
 - ii. 15-45 BMD peripheral cases per Vote Center
 - iii. 5-12 EPBs per Vote Center
 - iv. one (1) CPR per Vote Center
 - v. 3-9 Uninterruptable Power Supplies (UPSs) per Vote Center
 - vi. Vote Center supplies for each of the 640 vote centers.
- c. Retrieval Services of Voting Equipment. This phase of the project provides post-election day services for retrieving equipment from the Vote Centers and returning the equipment to the warehouses. Retrieval services are comprised of Vote Center breakdown, transportation and return, and warehouse operations.
 - i. Retrieval services will commence the day following the election and will be completed according to a schedule agreed upon by County and Contractor.
 - ii. This phase of the project also includes post-training class services for retrieving equipment from the Training Sites and returning the equipment to the warehouses. Retrieval services are comprised of

Training Site breakdown, transportation and return, and warehouse operations.

iii. Retrieval services will commence the day following the end of the training class schedule for each Training Site and will be completed according to a schedule provided by the County.

d. Election services management spans the entire project duration. It includes activities such as staffing, planning, procurement, coordination, progress monitoring, data management and reporting.

e. Warehouse and Logistics Services.

i. Equipment Planning and Coordination for Delivery

1. BMDs and EPBs fully configured and verification of election files loading
2. • Completion of Manual Diagnostic process on all BMDs prior to staging
3. • Equipment kitted with supplies and required devices (including cellphones and Field
4. Support Technicians (FST) laptop) in BMD primary carts
5. • Securing equipment with tamper-proof labels, and carts and cases with corresponding zip ties
6. • Vote Center carton label, assignment and CoC completion on Cherwell

ii. BMD Peripheral Readiness and Staging

1. Peripheral verification: Peripherals in containers will be inspected to ensure they are in good condition prior to being dispatched to Vote Centers.
2. Vote Center Assignment and CoC: The peripheral container will be sealed with a yellow zip tie to perform CoC and deliver to VOC for the cross-docking operation prior delivery to Vote Centers. This will be performed and supervised by County.
3. Dispatch process: The peripheral containers will be sealed to prevent tampering and moved to the dispatching area.

iii. Election Supplies and Staging

1. Speed packs will be prepped according to the Vote Center size (small, medium, or large) and properly labeled with the Vote Center ID, name and size.
2. Each speed pack will be placed on a wood furniture dolly or easy transport.
3. Speed packs will be ready at the loading docks for Contractor to properly load and securely strap supplies into trucks.

iv. Vote Center Setup

1. Room deployment according to the layout provided by the County: This activity consists of following the County-

provided layout for deployment and wiring of the equipment. Room deployment may include a limited number of outdoor sites.

2. Execution of CoC protocols and procedures: This activity consists of reporting, using the County provided phone, on BMDs, carts, EPBs, and CPR through Cherwell.
3. Tamper evident verification of all seals: This activity consists of visual inspection and verification of tamper-evident seals that were assigned to BMDs and carts.
4. BMD setup: This activity consists of unpacking of equipment from carts, assembling peripherals for BMDs, plugging in the unit, and verification of power.
5. EPB, BAM printer and CPR setup: This activity consists of unpacking of equipment from cases, setting up equipment, and verification of power. Contractor will team up with the Network Services team to coordinate the setup of EPBs, power cabling and turn-on, to ensure readiness for Network Services team to perform network connectivity and syncing while other Vote Center setup tasks are completed.
6. UPS setup: This activity consists of unboxing, laying power cabling, connection, and power on test UPS (following established guidelines and procedures).

7. Supplies setup: Assembling tables, chairs, power cabling, extension cords, etc., according to the individual Vote Center layout provided by the County. Items to be setup outside the Vote Center (e.g., banners, flags, and signs) will be removed from speed packs and placed next to the tables so that they are ready for setup on the first day of the voting period by Election Workers.
8. Setup verification and acceptance criteria: This activity consists of powering on BMDs, EPBs and CPR in collaboration with Network Services team.

v. Vote Center Breakdown

1. Execution of CoC protocols and procedures: This activity consists of reporting, using the County provided phone, on BMDs, carts, EPBs, and CPRs through Cherwell.
2. Disassembling BMDs and peripherals: This activity consists of disconnecting and packing the BMDs in their corresponding cart and container.
3. Uninstalling EPBs, BAM printers and CPRs: This activity consists of disconnecting and packing the equipment in their cases.
4. Dismantling Vote Center supplies: This activity consists of breaking down equipment and cabling.

vi. Equipment Swaps - Contractor will execute the swap operation necessary to replace malfunctioning equipment at Vote Centers. Swapping of equipment will be performed for BMDs, peripherals, EPBs, CPRs and cellphones and will be activated via a Service Request in County's instance of Cherwell. Swap teams will be coordinated through Contractor's Dispatcher role on Cherwell. Contractor will provide:

1. Delivery of swap devices to Vote Centers
2. Staff responsible for the replacement of malfunctioning equipment that was not resolvable by FSTs

f. Post-election - Consolidation and Analytics

g. Equipment and Vote Center Retrieval

10. The MSA 22-001 contained ten (10) categories support for Smartmatic.

These ten (10) categories are:

- a. CATEGORY 1: Vote Center Deployment Services
- b. CATEGORY 2 Election Operations Management and Planning Services
- c. CATEGORY 3: Vote Center Network Support (NOC)
- d. CATEGORY 4: Election Cybersecurity Services (SOC)
- e. CATEGORY 5: VSAP Tally (Tally) AND VSAP Ballot Layout (VBL) Enhancements
- f. CATEGORY 6: Election Support Services

- i. Election Contact Center and Field Support Technician (FST) Services.
- ii. Election Service Management Platform Support Services
- iii. Election Worker Management Platform Support Services
- iv. Election Cloud-Based Contact Center Support services
- v. VSAP Open-Source management Services
- vi. GIS and Mapping Services
- g. CATEGORY 7: BMD/BMG Enhancement & Maintenance
- h. CATEGORY 8: Infrastructure Support Services
- i. CATEGORY 9: Voter Education and Outreach Communication Campaign Services
- j. CATEGORY 10: Learning Management System Services

11. The Smartmatic web site referenced in paragraph 6 details that in support of the VSAP program (L.A. County, California) the company performed the following major support functions:

- a. Engineered and manufactured the BMD hardware
- b. Programmed and installed the BMD software
- c. Led the California certification process
- d. Created the backend software to manage the devices
- e. Provided systems integration services
- f. Built the VSAP operations center
- g. Handled logistics and setup/breakdown of the vote centers

- h. Oversaw real-time data management for deployment
- i. Smartmatic had, at times, as many as 200 staffers supporting the project.
- j. Smartmatic was responsible for setting up its machines at voting centers in Los Angeles County.
- k. Smartmatic support personnel were on site or otherwise readily available at voting centers in Los Angeles County.

12. It is clear, despite sworn testimony to the contrary, that Smartmatic personnel had a role in every function of the 2020 General Election in L.A. County.

13. I saw no information to suggest that any other government officials had access to, nor information regarding, maintenance, system support, or stand-by guidance other than provided by Smartmatic personnel.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on December 27, 2024.



Benjamin R. Cotton